

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

KHALID MOHAMMAD,
Plaintiff,
v.
THE KING CITY POLICE I
Defendant.

Case No. 16-cv-02903-BLF

ORDER DISMISSING CASE

THE KING CITY POLICE DEPARTMENT,
Defendant.

On October 27, 2016, this Court granted Defendant's motion to quash and motion to dismiss with leave to amend, and ordered Plaintiff to file an amended complaint on or before November 28, 2016. ECF 22. Thereafter, Plaintiff filed an appeal to the Ninth Circuit. ECF 23. On December 13, 2016, the Ninth Circuit dismissed Plaintiff's appeal for a lack of jurisdiction. ECF 25. The Court subsequently extended the deadline for Plaintiff to file an amended complaint to January 12, 2017. ECF 26. Because the Ninth Circuit did not issue its formal mandate until January 4, 2017, however, the Court further extended Plaintiff's deadline to file an amended complaint to February 3, 2017. ECF 29. The Court explained that failure to file an amended complaint would result in dismissal. *Id.* To date, Plaintiff has not filed an amended complaint. Accordingly, this action is DISMISSED WITHOUT PREJUDICE. See Fed. R. Civ. P. 41(b); *Edwards v. Marin Park, Inc.*, 356 F.3d 1058, 1065 (9th Cir. 2004) (“The failure of the plaintiff eventually to respond to the court’s ultimatum . . . is properly met with the sanction of a Rule 41(b) dismissal.”).

IT IS SO ORDERED.

Dated: February 7, 2017

Beth Labson Freeman
BETH LABSON FREEMAN
United States District Judge